

# Office of Court Administration Texas Judicial Council



## OFFICIAL DISTRICT AND COUNTY COURT APPOINTMENTS AND FEES REPORT INSTRUCTIONS

### LEGAL REQUIREMENTS

Texas Supreme Court Order No. 07-9188 and Section 71.035(b) of the Texas Government Code require each district clerk and county clerk to prepare a report each month listing each **fee paid during that month in the amount of \$500 or more for each appointment** made by a judge of any district, county, or probate court, a court master, or court referee of a person to a position for which any type of fee may be paid in a **civil, probate, or family law case** (proceeding governed by Titles 1, 2, or 4 of the Texas Family Code).

Sections 171.1 and 171.2 of the Texas Administrative Code provide that clerks shall submit the court activity report each month to the Texas Judicial Council **no later than 20 days following the end of the month reported**.

Supreme Court Order 07-9188 requires the clerk to make a copy of the report available for public inspection in the clerk's office and to retain each report for at least two years following the date it is made available for public inspection.

### REQUIREMENTS FOR JUDGES

To enable compliance by district clerks and county clerks with the reporting requirements described above, the following is required of judges (Supreme Court Order 07-9188):

- each appointment is to be made by a written order;
- each approval of the payment of a fee is to be accomplished by a separate written order; and
- orders making appointments or approving the payment of fees are to be sufficiently specific to enable the clerks to prepare the required monthly reports.

## WHAT TO REPORT

- Fee(s) paid during the month in the amount of \$500 or more for an appointment in a civil, probate, or family law case or
- No reportable activity for the month.

## WHAT NOT TO REPORT

- Fees paid in criminal cases.
- Fees paid in juvenile cases (delinquent conduct and conduct indicating a need for supervision).
- Cases in which the appointee is a salaried employee of the court, such as masters, referees, etc.
- Cases in which the appointee serves in a non-judicial capacity, such as process servers or substitute court reporters.
- Cases in which appointment is a result of a reservation of rights retained by a deceased person under a will such as naming an independent executor of a will or a trustee of a testamentary trust.

## OPTIONAL REPORTING

- Fees of less than \$500.
- In a single case, multiple fees of less than \$500 which are approved separately, either over several months or within the same month, even if their overall total is \$500 or more.
- Multiple fees of less than \$500 approved for payment to an appointee for service in several different cases even if their overall total is \$500 or more.

## WHEN TO REPORT THE FEE

- If the amount of the fee is specified in the order, report the fee for the **month in which the approval order was signed** (for example, a fee for a specific amount that is approved in September, but not actually paid until October would be included in the report for September).
- If the amount of the fee is not specified in the order, report the fee for the **month it is paid** (when the amount of the fee becomes known to the clerk).

## GENERAL INSTRUCTIONS FOR COMPLETING THE REPORT

### ***NO REPORTABLE ACTIVITY FOR THE MONTH***

If no fees of \$500 or more were approved or paid during the month, submit a report indicating that there was no reportable activity for the month.

### ***REPORTABLE ACTIVITY FOR THE MONTH***

For each approval of the payment of a fee of \$500 or more, the following information must be reported:

#### **1. NAME OF JUDGE/MASTER/REFEREE APPROVING FEE**

Enter the name of the person **signing the approval order**. *(It does not have to be the same person who made the original appointment. It could, for example, be a visiting judge.)*

#### **2. NAME/NUMBER OF COURT**

Enter the name of the court in which the person signing the order was sitting when the order was signed *(e.g., 465th District Court, County Court at Law No. 2, etc.).*

3. **CASE NUMBER AND STYLE OF CASE**

Enter the case number and style of the case. The style may be abbreviated to include, for example, just the last names of the parties. *In matters where confidentiality of records is required, judges and clerks should use their discretion regarding the style of the case.*

4. **NAME OF PERSON APPOINTED**

Enter the name of the person appointed. *If the person appointed is an attorney, his or her State Bar card number must be included.*

5. **POSITION TO WHICH APPOINTED**

Identify the position to which the person was appointed in the case. A sample list of positions is included below for reference.

6. **RELATIONSHIP TO WARD OR DECEASED**

Identify whether the person appointed is:

- An attorney;
- A private professional guardian;
- Associated with a public guardianship program; or
- A friend or family member

of the ward or deceased.

7. **DATE OF APPROVAL OF FEE**

Enter the date the approval order was signed (or the date the fee was paid if the amount of the fee was not specified when the approval order was signed).

8. **SOURCE OF FEES**

Identify the source of the fee known to the clerk at the time this report is prepared. A sample list of sources is included below for reference.

9. **AMOUNT OF FEE APPROVED**

Enter the dollar amount of **each fee** approved for payment. The **entire fee amount** should be reported, not the rate approved (i.e., not \$15 per hour).

Each fee includes any and all fees occurring as a result of the appointment. It shall include attorneys' fees and related expenses resulting from the appointment and any compensation and/or fees for serving as fiduciary.

Sample lists of position titles and sources of fees are included below to aid you in preparing your monthly report. These are partial lists only—there may be additional positions to which a person may be appointed or sources of fees.

#### **POSITION TO WHICH APPOINTED**

Ad litem  
 Amicus attorney  
 Attorney ad litem  
 Guardian ad litem  
 Administrator  
 Appraiser  
 Arbitrator  
 Attorney  
 Certified Public Accountant  
 Commissioner  
 Court Visitor  
 Doctor  
 Executor  
 Friend of the Court  
 Guardian  
 Permanent Guardian  
 Temporary Guardian  
 Hearing Officer  
 Interpreter  
 Investigator  
 Master  
 Master in Chancery  
 Mediator  
 Personal Representative  
 Physician  
 Receiver  
 Referee  
 Social Worker  
 Trustee  
 Trustee Bank  
 Trustee Friend

#### **SOURCE OF FEES**

Managing Conservator  
 Possessory Conservator  
 County  
 Defendant  
 Estate  
 Named Person (*i.e., individual identified by name*)  
 The Parties  
 Plaintiff  
 Registry of the Court  
 State  
 Trust  
 Trustee

#### **TYPES OF FEES**

Attorneys fees:

- *For serving as an appointee*
- *For serving as attorney when serving as court appointee*

Compensation for fiduciary services  
 Eminent domain commissioner fees  
 Mediator fees  
 Trustee's fees